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In Re: FCC Proceeding 17-108 "Restoring Internet Freedom"

I strongly oppose the proposal to move ISPs out of Title II regulation.

To refer to such a proposal as "Restoring Internet Freedom" is an Orwellian abuse of language: the de facto state under Title II is that ISPs are prohibited from taking action to restrict freedom of data exchange on part of the end user. The only "freedom" this proposal is "restoring" is that of ISPs to discriminate against particular packet flows based on whatever criteria they desire.

The draft order asserts that major ISPs have pledged not to engage in such traffic discrimination, but in fact at least one provider, Comcast, has already withdrawn its pledge in response to the draft orderⁱ. The order also establishes that a failure to adhere to such a pledge would be actionable under the purview of the FTC, but there is absolutely *nothing* to prevent any ISP from withdrawing that pledge at any time, as evidenced above.

If the internet service market existed in a state of perfect competition, this would not be a fatal issue, as there would likely be ISPs springing up to voluntarily provide net-neutral service. However, per the FCC's *own* reporting, 78% of households in the US do not have access to multiple broadband providersⁱⁱ. The scope and scale of ISP operation makes it a natural utility, and it should be governed as such.

Chairman Pai's central argument as to the rollback of the Title II regulatory framework for ISPs seems to boil down to: we don't need such regulation, because providers have pledged not to engage in non net-neutral behavior -- which they can renege on at any time so long as they are forthright about it -- and if consumers have a problem with that, they can simply switch to one of the *zero* other providers available to them!

ⁱ <https://arstechnica.com/tech-policy/2017/11/comcast-deleted-net-neutrality-pledge-the-same-day-fcc-announced-repeal/>

ⁱⁱ <https://arstechnica.com/information-technology/2016/08/us-broadband-still-no-isp-choice-for-many-especially-at-higher-speeds/>